

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

QUINN F. SCOTT, RONALD SOCHACKI,  
WILLIAM J. DAVENPORT III, ROBERT  
DANDO, SR., KEVIN KAZORNOWICZ, On  
behalf of themselves and all other similarly  
situated persons,

Civil Action No. 10-3154

Plaintiffs,

v.

BIMBO BAKERIES USA, Inc. and BIMBO  
FOODS BAKERIES, INC.,

Defendants.

**JOINT DISCOVERY PLAN AND PROPOSED ORDER  
WITH RESPECT TO CONDITIONAL CERTIFICATION**

Having reviewed the parties' Joint Discovery Plan and Proposed Order With Respect to  
Conditional Certification, IT IS HEREBY ORDERED:

1. No later than forty-eight (48) hours after this Order is signed, Defendants Bimbo  
Bakeries USA, Inc. and Bimbo Foods Bakeries, Inc. (collectively "Defendants") will  
provide Plaintiffs with the names of seventeen (17) Plaintiffs (collectively "Responding  
Plaintiffs") – five (5) named Plaintiffs and another twelve (12) Plaintiffs who have  
executed opt-in forms – who shall respond to Defendants' Interrogatories and Requests  
for Production, as specified below.
2. Responding Plaintiffs shall respond to Interrogatory Nos. 7, 8, and 19, as set forth in  
Defendants' Interrogatories served by Defendants on Plaintiffs on October 5, 2010.  
Responding Plaintiffs shall serve their responses by e-mail and U.S. Mail within fifteen  
(15) calendar days after they are identified by Defendants pursuant to paragraph 1 above.

3. Responding Plaintiffs shall produce documents responsive to Request Nos. 10, 13, 16, 22, 23, and 24, as set forth in Defendants' Request for Production of Documents served by Defendants on Plaintiffs on October 5, 2010. Responding Plaintiffs shall serve their responses by e-mail and U.S. Mail within fifteen (15) calendar days after they are identified by Defendants pursuant to paragraph 1 above. In response to Request No. 16, within fifteen (15) days of Defendants' identification of the Responding Plaintiffs, Responding Plaintiffs shall provide copies of their respective 2008 and 2009 state and federal tax returns, and all schedules thereto, to Defendants' Counsel. In the event that any of the Responding Plaintiffs do not have such documents in their possession, Responding Plaintiffs shall make a timely request for such documents to be provided to them or Plaintiffs' counsel with the appropriate governmental agency. Within 2 days of Responding Plaintiffs' or Plaintiffs' Counsel's receipt of any responsive tax documents from the appropriate governmental agency, Plaintiffs' Counsel shall provide such documents to Defendants' Counsel.
4. The parties shall meet and confer and agree as to the scheduling of Plaintiffs' depositions no more than seven (7) calendar days after service of the discovery responses discussed above. At this stage, depositions will be limited to depositions of the five (5) named Plaintiffs, two (2) opt-in Plaintiffs from the New Jersey depot selected by Defendants, and two (2) opt-in Plaintiffs from the Texas depot selected by Defendants, and all such depositions shall be limited in scope at this stage to facts related to Plaintiffs' request for conditional certification and Defendants' arguments in opposition thereto.
5. All discovery described above shall be completed within sixty (60) calendar days of the date of this Order. The dates for depositions of Responding Plaintiffs identified by

Defendants under Section 4 may be extended by agreement in the event that Defendants' Counsel is not at that time in possession of complete discovery responses, including responsive documents, as required under this discovery plan.

6. The limitations on discovery provided by this Order are without prejudice to the parties' discovery rights and obligations in this action after the Court's ruling on conditional certification.
7. Defendants shall file their opposition to Plaintiffs' Motion for Conditional Certification and Opt-In Notice no more than three (3) weeks after the completion of all discovery provided by this Order.
8. Plaintiffs shall file their reply, if any, in further support of their Motion for Conditional Certification and Opt-In Notice no more than three (3) weeks after Defendants' opposition brief is filed.
9. Tolling
  - a. The limitation period applicable to the FLSA claims of additional individuals, if any, who may opt-in to this action shall be tolled for 90-days commencing at the start of the discovery period that is the subject of this Order.

BY THE COURT:

A handwritten signature in black ink, appearing to read "R. L. S.", is placed over a horizontal line. The signature is fluid and cursive, with a large, stylized 'S' on the right side.